

ALLEGED SHIPMENT: On or about April 27, 1948, by Walter P. Rawl, from Gilbert, S. C.

PRODUCT: 81 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Atlanta, Ga. The product consisted of small asparagus spears, packed in an excessive amount of water. Some of the cans contained decomposed asparagus.

LABEL, IN PART: "Carolina Green Asparagus Fancy Medium Spears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), water had been substituted in whole or in part for asparagus spears.

Misbranding, Section 403 (a), the label designation "Fancy Medium" was false and misleading as applied to an article consisting of small asparagus spears with shattered heads.

DISPOSITION: August 26, 1948. Arthur Mims, Atlanta, Ga., Claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating and destroying the unfit portion and bringing the remainder into compliance with the law, under the supervision of the Food and Drug Administration. In accordance with this decree, 7¹⁵/₂₄ cases of the product were destroyed as unfit and the remainder of the product was relabeled to include a declaration of slack fill.

14058. Adulteration and misbranding of canned asparagus. U. S. v. 51 Cases
* * *. (F. D. C. No. 25743. Sample Nos. 37710-K, 37711-K.)

LIBEL FILED: September 15, 1948, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 21, 1948, by Hobbies, Inc., from Milton, Oreg.

PRODUCT: 25 cases, each containing 24 1-pound, 3-ounce cans, and 26 cases, each containing 6 6-pound, 5-ounce cans, of green asparagus cuts at Walla Walla, Wash.

LABEL, IN PART: (Can) "Blue Spark Brand All Green Asparagus Cuts Tips Removed Contents 1 Lb. 3 Oz. [or "6 Lbs. 5 Oz."] Packed By Sunnyside Packing Co., Sunnyside, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted in whole or in part for asparagus cuts, tips removed, which the article was represented to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations. The definition and standard of identity provides that "Asparagus Cuts—Tips Removed" are the succulent portion of sprouts of the asparagus plant from which the tip has been removed and cut in pieces, whereas the product consisted of the tough, fibrous, and inedible parts of the asparagus plant.

DISPOSITION: October 18 and 20, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

14059. Adulteration of canned green beans. U. S. v. 72 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 24371, 24700, 25008. Sample Nos. 18799-K, 26157-K, 26761-K.)

LIBELS FILED: On or about March 16 and 31 and July 13, 1948, Eastern and Western Districts of Missouri and Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 10, October 30, and November 13, 1947, by the Sallisaw Canning Co., Sallisaw, Okla.

PRODUCT: Canned green beans. 72 cases, each containing 24 1-pound, 3-ounce cans, at Springfield, Mo.; 698 cases, each containing 24 1-pound, 3-ounce cans, at Desloge, Mo.; and 33 cases, each containing 6 6-pound, 5-ounce cans, at Athens, Ohio.

LABEL, IN PART: "Sallisaw Brand Whole [or "Much-More Brand Cut Stringless" or "Sequoyah Brand Cut"] Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut and whole green beans since the deseeded pods contained more than 15 percent by weight of fibrous material and its label failed to bear a statement that it fell below the standard.

DISPOSITION: Between May 17 and September 8, 1948. No claimant having appeared for the Springfield, Mo., and Athens, Ohio, lots, judgments were entered ordering that the former be delivered to a Federal institution and that the latter be destroyed. The Sallisaw Canning Co., claimant for the Desloge, Mo., lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled.

14060. Misbranding of canned cut green beans. U. S. v. 151 Cases * * *.
(F. D. C. No. 25701. Sample No. 45829-K.)

LABEL FILED: October 13, 1948, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 26, 1948, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 151 cases, each containing 6 1-pound, 3-ounce cans, of cut green beans at Memphis, Tenn.

LABEL, IN PART: "King of Ozarks Brand Standard Grade Cut Green Beans * * * Packed by Robinson Canning Co., Siloam Springs, Ark."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed by the regulations, because of excessive fibrous material in the deseeded pods.

DISPOSITION: November 8, 1948. The Allen Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

14061. Adulteration of soybeans. U. S. v. 60 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 25684, 25685. Sample Nos. 19963-K, 19964-K.)

LABEL FILED: October 4, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 14 and July 7, 1948, from Dell, Ark.

PRODUCT: 60 120-pound bags and 120 150-pound bags of soybeans in the possession of the International Nutritional Laboratory, Mount Vernon, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. Further adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. Some bags were rodent-gnawed, and rodent pellets were observed on them. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1948. The International Nutritional Laboratory, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and brought into compliance with the law, under the supervision of the Federal Security Agency.